



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/531,769    09/22/00    VERNON-WOODS

D

EXAMINER

PM82/0314

DONALD MICHAEL VERNON-WOODS  
PARA HILLS WEST  
2 MCBRYDE COURT  
ADELAIDE  
AUSTRALIA

SANDY, R  
ART UNIT

PAPER NUMBER

3626  
DATE MAILED:

03/14/01

AIR MAIL

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/531,769

Applicant(s)

VERNON-WOODS, DONALD  
MICHAEL

Examiner

Robert J. Sandy

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. An examination of this application reveals that applicant is acting *pro se*, that is, not using an attorney or agent in the prosecution of this application. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. See "mini-lecture" in the attached Appendix.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Austrailia on February 17, 1999. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter. It further noted that applicant has not filed a certified copy of the Australian application as required by 35 U.S.C. 119(b).

#### ***Claim Objections***

3. The claim(s) is/are objected to because they are not numbered (37 CFR 1.126). Appropriate correction is required.

#### ***Specification***

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

5. This application is informal in the arrangement of the specification. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).

- (e) Background of the Invention.
  - 1. Field of the Invention.
  - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

6. Applicant is advised on how to arrange the content of the specification.

#### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a). The title of the invention should be placed at the top of the first page of the specification. It should be brief but technically accurate and descriptive, preferably from two to seven words.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Reference to a "Microfiche Appendix": See 37CFR 1.96(c) and MPEP § 608.05. The total number of microfiche and the total number frames should be specified.
- (e) Background of the Invention: The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

- (f) Brief Summary of the Invention: A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. This item may also be titled "Best Mode for Carrying Out the Invention." Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet. (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps.
- (j) Abstract of the Disclosure: A brief narrative of the disclosure as a whole in a single paragraph of 250 words or less on a separate sheet following the claims.
- (k) Drawings: See 37 CFR 1.81, 1.83-1.85, and MPEP § 608.02.
- (l) Sequence Listing: See 37 CFR 1.821-1.825.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. The claim(s) is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim(s) is are indefinite since they do not set forth what applicant regards as an invention defined by structural and/or functional limitations. Therefore, it is not understood what metes and bounds define the scope of the invention. Currently, the claim(s) appear to be a general allegation declaring "an original idea and creation"; and reciting a "novelty in the shape and configuration of the design of the .... Hook". The claim(s) do not set forth any specific structural elements or relationship of elements defining the *claimed* "Hook".

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. The claim (s), so far as definite, is/are rejected under 35 U.S.C. 102(b) as being anticipated by Perry (U.S. Patent No. 5,619,774). Perry ('774) discloses a hook device that is novel in shape and configuration as shown in the figures.

11. The claim (s), so far as definite, is/are rejected under 35 U.S.C. 102(b) as being anticipated by Mosley (U.S. Patent No. 5,628,432). Mosley ('774) discloses a hook device that is novel in shape and configuration as shown in the figures.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is (703) 305-7413. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight, can be reached on (703)308-3179. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:** (703)305-3597, (for formal communications intended for entry)

**Or:** (703)308-3687 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).



Robert J. Sandy  
Primary Examiner

#### **APPENDIX**

The following pages contain a **mini-lecture** which was prepared for the Inventor's Expo in Baltimore in 1980.

The lecture has been included in this office action in order that the applicant may better appreciate what a patent is and what it means when an examiner rejects claims or objects to matters of form or substance in a patent application.

#### **MINI-LECTURE FOR INVENTORS**

A patent is a grant from the Government which gives the inventor or patent holder the right to exclude others from making, using or selling whatever is **CLAIMED** in the patent.

The **CLAIMS** are the heart and soul of a patent. A good claim may be worth money. A bad claim is always worthless.

To be entitled to a patent an applicant's invention **AS CLAIMED** must be:

1. different from the prior art (35 USC 102)
2. unobvious over the prior art (35 USC 103) and,
3. adequately disclosed and claimed (35 USC 112).

Claims are written as a single sentence which is the object of a sentence starting with "I (or We) claim". To see how this works look at the following three claims:

I claim:

1. A vehicle having a front and a rear with a seat facing the front and four wheels including a front pair of wheels, and a back pair of wheels.
2. A vehicle having a front and a rear with a seat facing the front and four wheels including a front pair of wheels, and a back pair of wheels, and further including an engine supported primarily above said rear wheels.
3. A vehicle having a front and a rear with a seat facing the front and four wheels including a front pair of wheels and a back pair of wheels, said vehicle further including an engine supported primarily by said rear wheels, and a power train extending from said engine to said front wheels whereby said rearwardly supported engine can provide motive power to said front wheels.

These are *independent* claims and are of progressively narrower scope. An *independent* claim sets forth a complete invention without referring to any other claim. Every patent application must include at least one independent claim.

It is often desired to further define an invention set forth in a previous claim. This may be done with *dependent* claims. A dependent claim refers back to another claim, either independent or dependent, and includes all features of this previous claim, and adds additional features. For example, Claims 2 and 3 could have been written in dependent form as follows:



2. A vehicle as in claim 1 and further including an engine supported primarily above said rear wheels.

3. A vehicle as in claim 2 and further including a power train extending from said engine to said front wheels whereby said rearwardly supported engine can provide motive power to said front wheels.

Claim 2 covers all the features of the vehicle of Claim 1, *plus* the rear engine.

Claim 3 covers all the features of the vehicle of claim 1, *plus* the rear engine of claim 2, *plus* the power train.

Claim 1 if granted would permit the patent holder to exclude others in the United States from making cars, trucks, and even wagons having a seat and four wheels.

Both claims 1 and 2 are not patentable under 35 USC 102 because the VW Bug, which has both four wheels and an engine in the rear, was known and used in this country more than one year prior to today's date in this hypothetical example.

If we assume that the VW Bug and a 1974 Cadillac having a front supported engine and rear wheel drive comprise all of the prior art, then insofar as a rejection of claim 3 is concerned, 35 USC 102 does not apply, but 35 USC 103 may apply.

To determine the patentability of claim 3 one must answer the question: Given a front engine car with rear wheel drive and a rear engine car with rear wheel drive, would it have been obvious to provide a rear engine car with front wheel drive?

The answer to this question is not always clear. One must consider the skill of a person having ordinary competence in the car building industry. What factors would cause one of ordinary skill to make this combination, and what new and unobvious benefits are to be derived from this unique combination of features?

To define a patentable invention the prospective inventor-claim writer must add enough limitations to his claims to define something which is both different from what is in the prior art and unobvious over the prior art.

Claim 3 if granted would give the inventor the right to exclude others from making or using rear engine cars with front wheel drive, and rear engine cars with four wheel drive.

The applicant, as a general rule, does not wish to burden his claims with frivolous or unnecessary limitations. Claim 3 is valuable only if someone wants to make a rear engine car with front wheel drive and is willing to pay the patent holder money for the privilege of making such a car.

One would not, for example, wish to put in his claim the limitation that the wheels are made of chrome plated steel, because car manufacturers would be able to make the inventor's car with painted steel wheels without infringing the claim, and the chances are they would do just that to avoid paying the patent holder royalties.

In the general scheme of things the patent examiner occupies a position of quasi-prosecuting attorney and judge. As prosecuting attorney he is required to check the

applicant's disclosure, to read the claims, to search out the best prior art, and to make all pertinent objections and rejections to the application which are within reason.

It is the examiner's responsibility to ensure that the applications which he handles comply with all laws passed by Congress (Title 35 of the United States Code), all regulations set forth by the Commissioner of Patents (37 Code of Federal Regulations), and all required procedures (Manual of Patent Examining Procedures).

On occasion the examiner may be able to help the applicant by writing allowable claims, but first it must be clear to the examiner that there is an allowable concept or idea in the applicant's disclosure, and the time an examiner can spend on each application is severely limited.

In his role as a judge, the examiner is required to listen to the arguments for patentability presented by the applicant, and in taking these arguments into consideration, he is required to render what he considers to be a fair and impartial decision.

Listed above are three criteria for patentability 1. Novelty (102), 2. Non-obviousness (103) and 3. Adequate disclosure (112). To this list the inventor-applicant should add one more criterion: money. Does the invention represent a sellable idea?

This question should be asked at every phase of development because getting a patent is not cheap and making money from a patented idea is not easy. The inventor will of course ask this question before he files his application. Also, after filing an application and receiving a rejection from the Patent Office, the applicant must then ask the same question from a more realistic point of view. He or she should take a long hard look at the art cited by the examiner, the invention as disclosed, and the differences between the cited art and the disclosed invention, and the inventor should then ask himself "Do these differences represent a sellable invention?". If the answer is again "yes", the next question to ask is "How do I get these differences into a claim which will protect my invention and which the examiner will allow?"

People not familiar with claim writing should look at the claims of patents which were cited by the examiner and try to get some feel for writing single sentence claims.

In writing a claim always think in generic terminology. For example, use terms like "fastening means" not "nail or screw" whenever possible. If an inventor's claim calls for a screw holding two parts together, a competing manufacturer can make the claimed device using a nail to hold the parts together without infringing the claim and without paying the inventor or patent owner royalties. Also, since the claim must define something different and unobvious over the prior art, claiming something like a specific fastening means will usually not help overcome an obviousness rejection because it is obvious to substitute a screw for a nail.

If an inventor receives an action on his application which is in any way unfavorable he may ask for an interview. Interviews may be conducted either in person or over the phone.

Inventors wishing to conduct an interview must first call and arrange for an agreeable time. The examiner will want to pull the inventor's application and review the

claims and prior art before discussing the application. Inventors having specific claims or changes which they wish to discuss during the interview should ask the examiner if it would be helpful to FAX a copy of the proposed changes to the office prior to the interview.

The Patent Office does not encourage inventors to prosecute their own patent applications. The value of a patent depends firstly on the value of the idea and secondly on the skill of the person writing the claims. The job of the examiners is first and foremost to determine the patentability of claims presented to them, and it is the job of the patent attorney and the patent owner to be concerned about whether or not the claims granted to the inventor were the broadest and most valuable claims he or she was entitled to receive under the law.

The Code of Federal Regulations requires that every patent be a very structured document with the structure being set forth as follows:

- (a) **Title of the Invention.** The title of the invention should be placed at the top of the first page of the specification. It should be brief but technically accurate and descriptive, preferably from two to seven words.
- (b) **Cross-References to Related Applications:** if applicable.
- (c) **Statement as to Rights to inventions made under Federally sponsored research and development:** (if any).
- (d) **Background of the Invention:** The specification should set forth the Background of the Invention in two parts:
  - (1) **Field of the Invention:** A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions or the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) **Description of the Prior Art:** A description of the prior art known to the applicant and including, if applicable, references to specific prior art problems which are solved by the applicant's invention. This item may also be titled "Background Art."
- (e) **Summary:** A brief summary or general statement of the invention is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases, it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (f) **Brief Description of the Drawing(s):** A reference to and brief description of the drawing(s) as set forth in 37 C.F.R. § 1.74.

- (g) **Description of the Preferred Embodiment(s):** A description of the preferred embodiment(s) of the invention as required in 37 C.F.R. § 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. This item may also be titled "Best Mode for Carrying Out the Invention." Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (h) **Claim(s):** (See 37 C.F.R. § 1.75) A claim may be typed with the various elements subdivided in paragraph form. There may be plural indentations to further segregate subcombinations or related steps. The claim(s) must be in one sentence form only.
- (i) **Abstract of the Disclosure.**  
The content of a patent abstract should be such as to enable the reader, regardless of his degree of familiarity with the patent documents, to ascertain quickly the character of the subject matter covered by the technical disclosure and should include that which is new in the art to which the invention pertains.

\* \* \* \* \*

### *HOW TO RESPOND TO THIS ACTION*

#### *What to Include in the Response*

In response to this Action, Applicant may make amendments or corrections to the text of the specification, claims, or drawings to overcome any rejections or deficiencies explained herein. However, in correcting the application the Applicant should take care not to attempt to enter "new matter" into the application. This means that features, method steps, or other parts of the invention not disclosed by the Applicant in the specification and claims as originally presented can not be added at this time, but the Applicant may rewrite portions of the presented material to bring his application into compliance with the Code of Federal Regulations.

Although Applicant may telephone the Examiner for questions or advice, the official reply to this action must be in writing. If Applicant feels that there are errors in the objections and rejections in this action, he must distinctly and specifically point out the supposed errors and must respond to every ground of objection and rejection. The Applicant must point out the patentable novelty which he thinks the claims present in view of the references cited or objections made. If amendments are made, he must show how the amendments avoid such references or objections.

Amendments to the *specification* text (but not the claims) are made by filing a paper requesting that words be deleted or inserted at a specified point (for example, "page 1, line 22, please insert --has four rubber tires-- after "automobile" "). However, if a great many changes are required, Applicant should rewrite the entire specification.

When sending a new specification, it is also necessary to:

A. Include a copy of the *old* specification with markings to indicate the deletions, insertions, and corrections that have been made (use underlining to indicate words that have been added and brackets to indicate words that have been deleted; do not use such underlining and brackets in the *new* specification);

B. Include a statement that the new specification includes no new matter that was not disclosed in the original specification. This statement must be accompanied by the following language:

"I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon."

Amendments to the *claims* which involve minor changes of only a few words are made by placing brackets [] around words deleted and underlining words added. For example:

*Original Claim:*

An Automobile with an engine, a bumper, and a windshield.

*Amended claim:*

An automobile with [an] a six cylinder engine, a bumper, and [a windshield] four  
tires.

However, if changes to a claim(s) are extensive, it should be canceled and rewritten as a completely new claim(s). The numbering of the new claims should begin with the number next following the highest numbered claim existing in the application. When claims are canceled, remaining claims should not be renumbered. Also remember that the application filing fee covers up to 20 claims, up to 3 of which may be *independent*. If at any point in the prosecution the number of active (non-canceled) claims exceeds 20 total / 3 independent, it is necessary to send an additional fee for the additional claims (see enclosed fee list). If claims are later canceled to reduce the number of claims, Applicant will not be entitled to a refund.

Amendments to the *drawings* may be made by presenting copies of the current drawings with red markings to indicate proposed changes, or by presenting completely new drawings. But don't send originals of professionally prepared drawings because once drawings are sent, they cannot be returned. It is permissible to send copies of professional drawings.

A paper presenting amendments and/or remarks must bear an original signature by the Applicant or a legal representative.

*When & Where to Respond*

The address for response is:

Patent & Trademark Office  
Washington, DC 20231

(No street address is needed)

A response to this action must be received within three months from the action mailing date, as noted on the cover page. However, this period may be extended to up to six months by filing a request with the appropriate fee under 37 CFR Section 1.136(a). Note the extension fees in the enclosed fee schedule. If no response has been received after 6 months, the application will be considered abandoned and will be removed from our files.

The date that the Applicant's response is actually received in the Patent Office mail room will be deemed the date of response, unless Applicant includes a "Certificate of Mailing" statement in the papers. A Certificate of Mailing allows Applicant to mail the response right up to midnight of the last day for response, and it will still be accepted, even though it will arrive after the period for response. Even if Applicant is mailing the response well before the due date, it is still recommended to use a Certificate of Mailing in case the response is unexpectedly delayed by the Post Office. The Certificate of Mailing consists of the following statement:

"I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on ..."

Name of applicant, assignee, or Registered Representative

Signature \_\_\_\_\_

Date \_\_\_\_\_

*Fax Response*

The Office is able to accept some types of papers by Fax, including amendments and remarks in response to an Office letter. The Fax number is 703-305-3597. Be sure to keep the original copies with original signatures on file for as long as the patent is valid.

It would not be appropriate to respond by Fax if a fee is due, however, since there is no way to transmit funds by Fax. Formal drawings cannot be accepted by Fax.

Once Applicant's response has been received, it will typically take 3 or 4 months before the Examiner again reviews the application and notifies Applicant of the results. However, as assurance that the response has been received, Applicant may include a self addressed stamped post card in the envelope, with the serial number of the application and a list of the things submitted written on the back (such as "Amendments to claims 1 & 3" and "Two new sheets of drawings"). The card will be stamped with the date received and returned immediately upon receipt. It is also acceptable to send the response certified, registered, or Express mail.

In order to match the response with the file, it should clearly indicate on the front page the inventor's name, application serial number, Art Unit number, date application was filed, title of invention, and a brief statement of the purpose of the paper or what it is in response to.

#### *Telephone Assistance*

The phone number of the specific Examiner handling this application is given at the end of this letter. You may phone the Examiner for information regarding the status of the application, as well as to ask questions or make comments concerning the technical merits of the application.

The Patent Office also maintains an automated help line, 800-786-9199. You may use this line to hear recorded information on topics relating to patents and trademarks, order publications and forms, and access the Patent Assistance Center for more advanced questions.

#### *Internet Access*

Visit the USPTO home page at <http://www.uspto.gov>

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